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Docket No. 3123-4006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): EMALFARB, Mark A.

Group Art Unit: TBA

Serial No.: 09/834,434

Examiner: TBA

Filed: April 13, 2001

For: HIGH THROUGHPUT SCREENING OF EXPRESSED DNA LIBRARIES IN  
FILAMENTOUS FUNGI

EXPRESS MAIL CERTIFICATE

Express Mail Label No.: EL 912 008 615

Date of Deposit: November 2, 2001

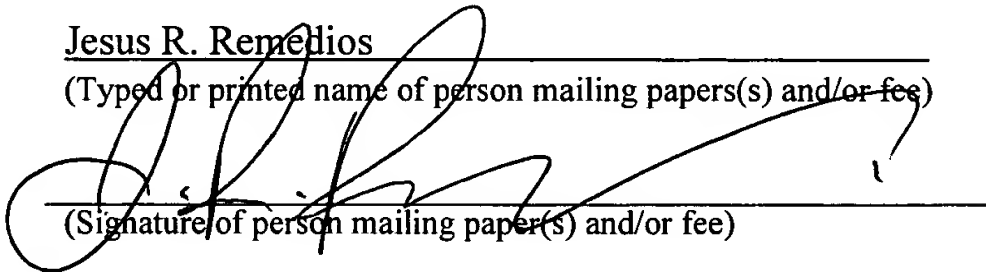
I hereby certify that the following attached paper(s) and/or fee

1. Information Disclosure Statement (3 pages);
2. PTO Form 1449 Listing References (1 page);
3. Binder of References: 19 and Search Report;
4. Return Postcard.

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Jesus R. Remedios

(Typed or printed name of person mailing papers(s) and/or fee)

  
(Signature of person mailing paper(s) and/or fee)

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**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on Form PTO-1449, a copy of which is enclosed, are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

1. ☐ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed:
2. ☐ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application.
3. ☐ Any copy of the items listed on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in application Serial No. \_\_\_\_\_, filed \_\_\_\_.
4. ☒ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:  
☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of a national application other than a CPA; or

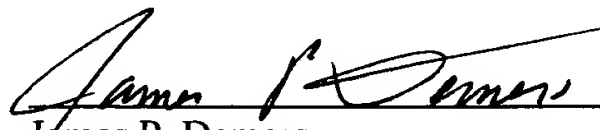
- ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application; or
- ☒ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits; or
- ☐ 37 C.F.R. §1.97(b)(4) before the mailing date of a first office action after the filing of an RCE under §1.114.
5. ☐ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.
6. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):
- ☐ A check in the amount of \$180.00 is enclosed in payment of the fee.
- ☐ Charge the fee to Deposit Account No. 13-4500, Order No. \_\_\_\_\_. A  
DUPLICATE COPY OF THIS SHEET IS ATTACHED.
7. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
- b. the fee due under 37 C.F.R. §1.17(p) which is paid as set forth in paragraph 11 below.
8. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
- a. ☐ 37 C.F.R. §1.313(b)(3) or §1.313(c)(1), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h);
- b. ☐ 37 C.F.R. §1.313(c)(2) or §1.313(c)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Request for Continued Examination (RCE) or a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h).

- c. ☐ The fees due under 37 C.F.R. §§1.17(h) and 1.17(p) are paid as set forth in paragraph 11 below.
9. ☐ I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- ☐ I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
10. ☒ This document is accompanied by ☒ a Search Report ☐ Communication which was cited in a corresponding ☒ PCT or ☐ Foreign counterpart application
11. ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed in payment of the fees due under 37 C.F.R. §§1.17(h) and 1.17(p).
- ☐ Charge the fees due under 37 C.F.R. §§1.17(h) and 1.17(p) to Deposit Account No. 13-4500, Order No. \_\_\_\_\_. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 13-4500, Order No. 3123-4006. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: November 2, 2001

By:

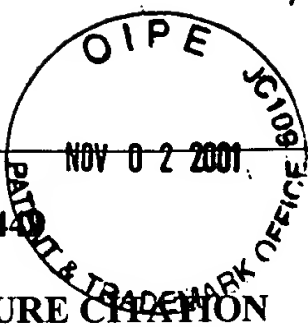
  
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FORM PTO-1449

## INFORMATION DISCLOSURE CITATION

Attorney Docket:  
3123-4006Serial No.:  
09/834,434Applicant:  
EMALFARB, Mark A.Filing Date:  
April 13, 2001Group Art Unit:  
TBA

## U.S. PATENT DOCUMENTS

Examiner Initial	Patent Number	Issue Date	Name	Class	Sub-Class	Filing Date
A	6,184,026	02/06/2001	Shuster et al			09/24/99
B	6,066,493	05/23/2000	Shuster et al.			03/13/97
C	6,057,103	05/02/2000	Short			08/26/97
D	6,054,267	04/25/2000	Short			08/02/96
E	6,030,779	02/29/2000	Short			10/06/97
F	5,989,814	11/23/99	Frankel et al.			04/01/97
G	5,958,672	09/28/99	Short			06/03/96
H	5,939,250	08/17/99	Short			05/22/96
I	5,830,696	11/03/98	Short			12/05/96
J	5,824,485	10/20/98	Thompson et al.			04/24/96
K	5,783,431	07/21/98	Peterson et al.			10/24/96
L	5,578,463	11/26/96	Berka et al.			08/02/94
M	5,536,661	07/16/96	Boel et al.			03/07/94
N	4,816,405	03/28/89	Yelton et al.			10/16/87

## FOREIGN PATENT DOCUMENTS

Examiner Initial	Patent Number	Issue Date	Country	Class	Sub-Class	Translation
O	WO 01/09352	02/08/2001	WIPO			<input type="checkbox"/> Yes <input type="checkbox"/> No
P	WO 00/50567	08/31.2000	WIPO			<input type="checkbox"/> Yes <input type="checkbox"/> No
Q	WO 00/56893	09/28/2000	WIPO			<input type="checkbox"/> Yes <input type="checkbox"/> No
R	EP 1 022 335	07/26/2000	EP			<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No

## OTHER DOCUMENTS (continued)

S	Jay M. Short, 1997, "Recombinant Approaches For Accessing Biodiversity", <i>Nature Biotechnology</i> , 15:1322-1323
T	PCT International Search Report (07/02/2001)

Examiner

Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP §609.  
 Draw line through citation if not in conformance and not considered.  
 Include copy of this form with next communication to Applicant.